



General Assembly

## ***Substitute Bill No. 540***

***February Session, 2002***

### ***AN ACT CONCERNING CHILD CARE LICENSORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 19a-80 of the general statutes, as amended by  
2       section 15 of public act 01-175, is repealed and the following is  
3       substituted in lieu thereof (*Effective October 1, 2002*):

4       (a) No person, group of persons, association, organization,  
5       corporation, institution or agency, public or private, shall maintain a  
6       child day care center or group day care home without a license issued  
7       in accordance with sections 19a-77 to 19a-80, inclusive, and 19a-82 to  
8       19a-87, inclusive. Applications for such license shall be made to the  
9       Commissioner of Public Health on forms provided by him and shall  
10      contain the information required by regulations adopted under said  
11      sections. The forms shall contain a notice that false statements made  
12      therein are punishable in accordance with section 53a-157b.

13      (b) Upon receipt of an application for a license, the Commissioner of  
14      Public Health shall issue such license if, upon inspection and  
15      investigation, he finds that the applicant, the facilities and the program  
16      meet the health, educational and social needs of children likely to  
17      attend the child day care center or group day care home and comply  
18      with requirements established by regulations adopted under sections  
19      19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive. Each license

20 except a temporary license shall be for a term of two years, shall be  
21 inalienable, may be renewed upon terms and conditions established by  
22 regulation and may be suspended or revoked after notice and an  
23 opportunity for a hearing as provided in section 19a-84 for violation of  
24 the regulations promulgated under sections 19a-77 to 19a-80, inclusive,  
25 and 19a-82 to 19a-87, inclusive. The commissioner may issue a  
26 temporary license for a term of six months and renewable for another  
27 six months, upon such terms and conditions as shall be provided in  
28 regulations adopted under said sections. The Commissioner of Public  
29 Health shall collect from the licensee of a day care center a fee of two  
30 hundred dollars for each license issued or renewed for a term of two  
31 years and a fee of fifty dollars for each temporary license issued or  
32 renewed for a term of six months. The Commissioner of Public Health  
33 shall collect from the licensee of a group day care home a fee of one  
34 hundred dollars for each license issued or renewed for a term of two  
35 years and a fee of thirty dollars for each temporary license issued or  
36 renewed for a term of six months.

37 (c) The Commissioner of Public Health, within available  
38 appropriations, shall require each prospective employee of a child day  
39 care center or group day care home in a position requiring the  
40 provision of care to a child to submit to state and national criminal  
41 history records checks. The criminal history records checks required  
42 pursuant to this subsection shall be conducted in accordance with  
43 section 29-17a. The commissioner shall also request a check of the state  
44 child abuse registry established pursuant to section 17a-101k, as  
45 amended. Pursuant to the interagency agreement provided for in  
46 section 10-16s, the Department of Social Services may agree to transfer  
47 funds appropriated for criminal history records checks to the  
48 Department of Public Health. The commissioner shall notify each  
49 licensee of the provisions of this subsection.

50 (d) The commissioner shall inform each licensee, by way of a plain  
51 language summary provided not later than sixty days after the  
52 regulation's effective date, of new or changed regulations adopted  
53 under sections 19a-77 to 19a-80, inclusive, or sections 19a-82 to 19a-87,

54 inclusive, with which a licensee must comply.

55 (e) On and after October 1, 2002, all persons hired by the  
56 Department of Public Health to conduct facility inspections, as  
57 provided in subsection (b) of this section, shall have attained, as a  
58 prerequisite to conducting such inspections, a baccalaureate degree  
59 from a regionally accredited institution of higher education and shall  
60 have not less than three years of work experience in early childhood  
61 education or child development.

62 Sec. 2. Section 19a-87b of the general statutes, as amended by section  
63 16 of public act 01-175 is repealed and the following is substituted in  
64 lieu thereof (*Effective October 1, 2002*):

65 (a) No person, group of persons, association, organization,  
66 corporation, institution or agency, public or private, shall maintain a  
67 family day care home, as defined in section 19a-77, without a license  
68 issued by the Commissioner of Public Health. Licensure forms shall be  
69 obtained from the Department of Public Health. Applications for  
70 licensure shall be made to the commissioner on forms provided by the  
71 department and shall contain the information required by regulations  
72 adopted under this section. The licensure and application forms shall  
73 contain a notice that false statements made therein are punishable in  
74 accordance with section 53a-157b. Applicants shall state, in writing,  
75 that they are in compliance with the regulations adopted by the  
76 commissioner pursuant to subsection (c) of this section. Before a family  
77 day care home license is granted, the department shall make an  
78 inquiry and investigation which shall include a visit and inspection of  
79 the premises for which the license is requested. Any inspection  
80 conducted by the department shall include an inspection for evident  
81 sources of lead poisoning. The department shall provide for a chemical  
82 analysis of any paint chips found on such premises. The commissioner  
83 shall not require an annual inspection for homes seeking license  
84 renewal or for licensed homes, except that the commissioner shall  
85 make unannounced visits, during customary business hours, to at least  
86 thirty-three and one-third per cent of the licensed family day care

87 homes each year. A licensed family day care home shall not be subject  
88 to any conditions on the operation of such home by local officials,  
89 other than those imposed by the department pursuant to this  
90 subsection, if the home complies with all local codes and ordinances  
91 applicable to single and multifamily dwellings.

92 (b) The Commissioner of Public Health, within available  
93 appropriations, shall require each initial applicant or prospective  
94 employee of a family day care home in a position requiring the  
95 provision of care to a child to submit to state and national criminal  
96 history records checks. The criminal history records checks required  
97 pursuant to this subsection shall be conducted in accordance with  
98 section 29-17a. The commissioner shall also request a check of the state  
99 child abuse registry established pursuant to section 17a-101k, as  
100 amended. The commissioner shall notify each licensee of the  
101 provisions of this subsection.

102 (c) The Commissioner of Public Health shall adopt regulations, in  
103 accordance with the provisions of chapter 54, to assure that family day  
104 care homes, as defined in section 19a-77, shall meet the health,  
105 educational and social needs of children utilizing such homes. Such  
106 regulations shall ensure that the family day care home is treated as a  
107 residence, and not an institutional facility. Such regulations shall  
108 specify that each child be protected as age-appropriate by adequate  
109 immunization against diphtheria, pertussis, tetanus, poliomyelitis,  
110 measles, mumps, rubella, hemophilus influenzae type B and any other  
111 vaccine required by the schedule of active immunization adopted  
112 pursuant to section 19a-7f. Such regulations shall provide appropriate  
113 exemptions for children for whom such immunization is medically  
114 contraindicated and for children whose parents object to such  
115 immunization on religious grounds. Such regulations shall also specify  
116 conditions under which family day care home providers may  
117 administer tests to monitor glucose levels in a child with diagnosed  
118 diabetes mellitus, and administer medicinal preparations, including  
119 controlled drugs specified in the regulations by the commissioner, to a  
120 child receiving day care services at a family day care home pursuant to

121 a written order of a physician licensed to practice medicine in this or  
 122 another state, an advanced practice registered nurse licensed to  
 123 prescribe in accordance with section 20-94a or a physician assistant  
 124 licensed to prescribe in accordance with section 20-12d, and the written  
 125 authorization of a parent or guardian of such child. Such regulations  
 126 shall specify appropriate standards for extended care and intermittent  
 127 short-term overnight care. The commissioner shall inform each  
 128 licensee, by way of a plain language summary provided not later than  
 129 sixty days after the regulation's effective date, of any new or changed  
 130 regulations adopted under this subsection with which a licensee must  
 131 comply.

132 (d) Applications for initial licensure under this section shall be  
 133 accompanied by a fee of twenty dollars and such licenses shall be  
 134 issued for a term of two years. Applications for renewal of licenses  
 135 granted under this section shall be accompanied by a fee of twenty  
 136 dollars and such licenses shall be renewed for a term of two years. No  
 137 such license shall be renewed unless the licensee certifies that the  
 138 children enrolled in the family day care home have received age-  
 139 appropriate immunization in accordance with regulations adopted  
 140 pursuant to subsection (c) of this section.

141 (e) On and after October 1, 2002, all persons hired by the  
 142 Department of Public Health to conduct family day care home  
 143 inspections, as provided in subsection (b) of this section, shall have  
 144 attained, as a prerequisite to conducting such inspections, a  
 145 baccalaureate degree from a regionally accredited institution of higher  
 146 education and shall have not less than three years of work experience  
 147 in early childhood education or child development.

This act shall take effect as follows:	
Section 1	October 1, 2002
Sec. 2	October 1, 2002

**PH****Joint Favorable Subst.**

